

REMARKS

Claims 1-6 and claims 17-30, as amended, are presented herewith for the Examiner's review and consideration.

Claims 15 and 27 were rejected under 35 USC 112, first paragraph, as allegedly failing to reply with the written description requirement. Applicant traverses this rejection.

The materials listed in the Markush grouping of these claims all can be treated in the same manner with the treating agents of the present invention. These materials were recited in the claims since the application was filed so that there can be no objection for the subject matter not being present since the application was filed. Furthermore, agricultural soils can contain a wide variety of materials including varying amounts of each of the materials recited in those claims, and this is known by skilled artisans. Accordingly, this rejection should be withdrawn.

Claims 19 and 27 were also rejected for an informality as to the recitation of porous materials. As those claims were amended to remove the objected to term, this rejection also should be withdrawn.

Claims 1 and 28 have been amended to incorporate the features of claim 5 to further define the invention. No new matter is being introduced so that this amendment should be entered at this time. This amendment renders moot the rejections based on the Weber patent since claim 5 was not rejected over that patent.

Claims 1-5, 18, 19 and 28-30 were rejected for anticipation over US patent 2,905,562 to Brown.

Brown discloses a process for making masonry water repellent. This process uses an aqueous solution of a silicate and an alkyl silconate. The silicate can be present in an amount of 0.1 and 30 parts per part of the silconate, with the silicate being present in the solution in an amount of 0.1 to 30% while the silconate is present in an amount of 0.1 to 10% of the solution.

In contrast, the present invention is an agricultural soil treating composition comprising an aqueous solution of a C1 to C4 alkyl silconate compound and a silicate compound, with the compounds being present at a molar ratio of silicate compound to silconate compound of 0.5/1 to 10/1 and in amount effective to increase hydrophobicity of the soil after the aqueous mixture is applied thereto due to the formation of silicic acid or silica gel therein in order to reduce water evaporation from the treated soil. More

specifically, the silicate compound is present in an amount of about 0.1 and 1% by weight and the silicate compound is present in an amount of about 0.01 and 5% by weight.

Applicant's invention is a completely different invention, namely, a soil treating composition, and it is used for a different purpose, namely, to increase hydrophobicity of the soil after the aqueous mixture is applied thereto due to the formation of silicic acid or silica gel therein in order to reduce water evaporation from the treated soil. These features are not disclosed by Brown, and skilled artisans who desire a soil treating composition would never be led to the present invention by the teachings or disclosure of Brown. Furthermore, for these reasons, the components of the aqueous soil treating solution of the present invention are different, requiring different amounts of each component as well as different relative amounts of these components.

In view of the above, all rejections based on the Brown patent have been overcome and should be withdrawn. Accordingly, the entire application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all claims are patentable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of this application.

Respectfully submitted,

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